

IN THE
COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO

State of Ohio,

Plaintiff,

v.

Thomas R. Ruthman,

Defendant.

Case No. 94-CR-2

Judge William B. McCracken

JUDGMENT ENTRY

CLINTON COUNTY
JUN 7 7 41 AM '94
JAMES M. C. GUNDEL
CLERK

This cause came on for hearing on the 20th day of April, 1994, with Richard W. Moyer, Assistant Prosecuting Attorney for Clinton County, Ohio and David G. Cox, Assistant Attorney General for the State of Ohio ("State"), both appearing on behalf of the State; and Defendant Thomas R. Ruthman ("Ruthman"), being in Court with his counsel, Glenn V. Whitaker, Esq., for the purpose of sentencing.

Whereupon, the Court inquired of Defendant Ruthman as to whether he had anything to say as to why sentence ought not be imposed on him. Defendant through his counsel did address the Court.

It is therefore Ordered by the Court as follows:

1. That Defendant Ruthman be hereby sentenced and ordered transported to the Correctional Reception Center, Orient, Ohio for assignment to an appropriate penal institution for an indefinite term of not less than two (2) years but not more than four (4) years, and shall pay a fine of five hundred dollars (\$500.00) for the Illegal Storage of Hazardous Waste in violation of §3734.02(F) of the Ohio Revised Code ("RC"), an unclassified felony, as contained in the Bill of Information.

2. That the imposition of the sentence of imprisonment be suspended and that Defendant Ruthman be placed on probation for the period of three (3) years under the control and supervision of the Ohio Adult Probation and Parole Authority, from the date of this hearing, upon the conditions attached hereto and made a part hereof and including the following conditions:

a. That Defendant Ruthman shall serve a term of one hundred twenty (120) days of home incarceration. The first thirty (30) days shall be served as straight home incarceration and Defendant shall be given credit for the days served on home incarceration as of this date. The remaining ninety (90) days home incarceration shall be served with work release, to begin June 1, 1994 to be served in the following manner under the supervision of the Clinton County Sheriff's Department at Defendant's expense:

(1) Monday through Friday of each week, Defendant Ruthman shall be allowed to leave his home to perform work for Ruthman Pump & Engineering, Inc. ("Ruthman Pump"), Fulflo Specialties Company, Inc.,

True-Torq, and/or other divisions of Ruthman Pump from 7:00 a.m. to 7:00 p.m. However, Defendant shall be allowed to leave his home on Wednesdays for the purpose of attending Alcoholic Anonymous meetings between the hours of 7:30 p.m. and 11:00 p.m.

(2) From 7:00 p.m. on Friday until 7:00 a.m. on Monday, Defendant Ruthman shall not be allowed to leave his home, except on Sundays Defendant shall be allowed to attend church between 11:00 a.m. and 1:30 p.m.

b. The fine imposed herein shall be payable to Clinton County, Ohio through the Clerk of Courts herein, to be deposited into the General Fund within thirty (30) days from the date of this hearing.

c. Defendant Ruthman shall pay the costs of prosecution for which execution is awarded.

To date Defendant Ruthman has served the thirty (30) day straight home incarceration period and, thirty (30) days of the ninety (90) day home incarceration with work release privileges sentence. Pursuant to agreement of the State and Defendant, the Court hereby modifies said Defendant's sentence as follows:

1. Defendant Ruthman shall serve thirty (30) days straight home incarceration *in lieu* of the remaining sixty (60) days of home incarceration with work release privileges.

2. During this thirty (30) day period, Defendant Ruthman shall have privileges to attend church on Sundays between 11:00 a.m. and 1:30 p.m., and to attend Alcoholics Anonymous meetings on Monday, Wednesday and Friday evenings between 7:30 p.m. and 11:00 p.m.

3. During this thirty (30) day period, Defendant Ruthman shall have privileges to travel out of state to the Mayo Clinic for medical treatment between May 31 and June 2, 1994. Such travel time, however, shall not be credited toward the as yet unserved thirty (30) day period of straight home incarceration and shall be added to the end of such period.

Further, the Court advises Defendant Ruthman of his right to appeal; that if he is unable to pay the costs of an appeal, he has the right to appeal without payment; that if he is unable to obtain counsel for an appeal, counsel will be appointed without cost; that if he is unable to pay the cost of documents necessary to an appeal, such documents will be provided without costs; and that he has a right to have a notice of appeal timely filed on his behalf, pursuant to Rule 32(A) of the Ohio Rules of Criminal Procedure.

Pursuant to the Negotiated Plea Agreement filed herein, Defendant Ruthman agreed to waive his appellate rights as to the case *sub judice*, and agreed to serve the full term of incarceration and not to apply to the Court for shock probation or to make any other application designed to

shorten the period of such incarceration.

Entered this 7th day of June, 1994.

COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO

W. B. McCracken
Judge William B. McCracken

WILLIAM E. PELLE
CLINTON COUNTY PROSECUTING ATTORNEY

LEE FISHER
ATTORNEY GENERAL OF OHIO

Richard W. Moyer
Richard W. Moyer (0039665)
Assistant Prosecuting Attorney

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Retanio Aj Rucker (0039744)
David G. Cox (0042724)
Assistant Attorneys General

VORYS, SATER, SEYMOUR & PEAS

Glenn V. Whitaker
Glenn V. Whitaker, Esq. (0018169)

Attorney for Defendant Ruthman

IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO

State of Ohio

PLAINTIFF

-vs-

Thomas R. Ruthman

DEFENDANT

CASE NO. 94-CR-2

JUDGMENT ENTRY
RULES OF PROBATION

* * * * *

The defendant shall be placed on probation for the period of three (3) years under the control and supervision of the Ohio Adult Probation and Parole Authority from the 20th day of April, 1994, upon the following conditions:

1. He/She shall observe all the laws of Ohio, and of the United States and of every jurisdiction thereof.
2. He/She shall not have under his/her control, or possess a firearm or deadly weapon.
3. He/She shall associate with no persons of questionable character, or persons on parole, or probation and shall avoid places of ill repute.
4. He/She shall abstain from the use of intoxicating liquors and narcotics.
5. He/She shall obtain permission from the Probation Officer before changing his/her place of residence, and without such permission he/she shall not change his/her residence.
6. He/She shall not leave the State unless he/she has permission from the Probation Officer.
7. He/She shall report to his/her probation officer as directed to him/her by his/her probation officer.
8. He/She shall observe and comply with other conditions and rules of probation as directed to him/her by his/her probation officer.

9. He/She shall make restitution through the Clerk of the Common Pleas Court of Clinton County, Ohio, in the sum of \$ _____, in accordance with the following payment schedule: _____

10. He/She shall pay court costs in the amount of \$ 162.50, as follows: _____

11. He/She shall pay fine(s) in the sum of \$ 500.00, as follows: _____

I have reviewed the terms and conditions of probation this 20TH day of APRIL, 1994, at the direction of the probation officer and I understand said terms and conditions.

Thomas R. Ruthman
(Signature of Defendant)
Thomas R. Ruthman

I have reviewed the terms and conditions of probation this 20TH day of APRIL, 1994, with THOMAS RUTHMAN and he/she has acknowledged to me his/her understanding of these rules.

George Kral
PROBATION OFFICER
George Kral

ENTER this 7th day of June, 1994.

William B. McCracken
William B. McCracken, JUDGE

WILLIAM E. PEELLE
PROSECUTING ATTORNEY
CLINTON COUNTY, OHIO

BY: [Signature]
Asst. Atty. Gen.
Assistant Prosecuting Attorney

[Signature]
Glenn V. Whitaker
Attorney for Defendant